

REGULATIONS  
TOWN OF GRANBY  
INLAND WETLANDS AND WATERCOURSES  
COMMISSION

ADOPTED: AUGUST 23, 1990

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SECTION 1  
PURPOSE, TITLE AND SCOPE

- 1.1 The inland wetlands and watercourses of the state of Connecticut are an indispensable and irreplaceable but fragile natural resource of the state. The wetlands and watercourses are an interrelated web of nature essential to an adequate supply of surface and underground water; to hydrological stability and control of flooding and erosion; to the recharging and purification of groundwater; and to the existence of many forms of animal, aquatic and plant life. Many inland wetlands and watercourses have been destroyed or are in danger of destruction due to unregulated use because of the deposition, filling or removal of material, the diversion or obstruction of water flow, the erection of structures and other uses, all of which have despoiled, polluted and eliminated wetlands and watercourses. Such unregulated activity has had, and will continue to have, a significantly adverse impact on the environment and ecology of the state of Connecticut; it has imperiled and will continue to imperil the quality of the environment thereby harming the ecological, scenic, historic and recreational values and benefits of the state for its citizens now and forever more. The preservation and protection of the wetlands and watercourses from random, unnecessary, undesirable and unregulated uses, disturbance or destruction is in the public interest and is essential to the health, welfare and safety of the citizens of the state. It is, therefore, the purpose of these regulations to protect the citizens of the state by making provisions for the protection, preservation, maintenance and use of the inland wetlands and watercourses by minimizing their disturbance and pollution; maintaining and improving water quality in accordance with the highest standards set by federal, state or local authority; preventing damage from erosion, turbidity or siltation; preventing loss of fish and other beneficial aquatic organisms, wildlife and vegetation and the destruction of the natural habitats thereof; deterring and inhibiting the danger of flood and pollution; protecting the quality of wetlands and watercourses for their conservation, economic, aesthetic, recreational and other public and private uses and values; and protecting the state's potable fresh water supplies from the dangers of drought, overdraft, pollution, misuse and mismanagement by providing an orderly process to balance the need for the economic growth of the state and the use of its land with the need to protect its environment and ecology in order to forever guarantee to the people of the state, the safety of such natural resources for their benefit and enjoyment and for the benefit and enjoyment of generations yet unborn.
- 1.2 These regulations shall be known as the "Inland Wetlands and Watercourses Regulations of the Town of Granby."
- 1.3 The Inland Wetlands and Watercourses Commission for the Town of Granby was established in accordance with an ordinance adopted January 7, 1974, to implement the purposes and provisions of the Inland Wetlands and Watercourses Act in the Town of Granby.
- 1.4 These regulations have been adopted and may be amended, from time to time, in accordance with the provisions of the Inland Wetlands and Watercourses Act and these regulations.
- 1.5 The agency shall enforce all provisions of the Inland Wetlands and Watercourses Act and shall issue, issue with modifications, or deny permits for all regulated activities on Inland wetlands and watercourses in the Town of Granby pursuant to sections 22a-36 to 22a-45, inclusive, of the Connecticut General Statutes, as may from time to time be amended.

## SECTION 2 DEFINITIONS

### 2.1 As used in these regulations:

- a. "Act" means the Inland Wetlands and Watercourses Act, Sections 22a-36 through 22a-45 of the Connecticut General Statutes, Revision of 1958, revised to January 1, 1990, as may be amended from time to time.
- b. "Agency" means the Inland Wetlands and Watercourses Commission of the Town of Granby.
- c. "Agency member" means a member of the Inland Wetlands and Watercourses Commission of the Town of Granby.
- d. "Bogs" are areas usually distinguished by evergreen trees and shrubs underlain by peat deposits, poor drainage, and highly acidic conditions.
- e. "Buffer area" means that regulated area within a radius of one hundred (100) feet from each point on the boundary of a wetland or that regulated area within a radius of two hundred (200) feet of each point on the boundaries of 3 watercourse not otherwise regulated pursuant to sections 22a-28 through 22a-35 of the Connecticut General Statutes, as may from time to time be amended.
- f. "Clear-cutting" means the removal of timber in such a manner so as to leave standing only trees of less than a two (2) inch diameter at breast height.
- g. "Commissioner of Environmental Protection" means the Commissioner of the State of Connecticut Department of Environmental Protection.
- h. "Continual flow" means a flow of water which persists for an extended period of time; this flow may be interrupted during periods of drought or during the low flow period of the annual hydrological cycle, June through September, but it t recurs in n prolonged succession.
- i. "Deposit" includes, but shall not be limited to, fill, grade, dump, place, discharge, or emit.
- j. "Designated agent" means an individual designated by the Agency to carry out its functions and purposes.
- k. "Discharge" means emission of any water, substance, or material into a regulated area whether or not such substance causes pollution.
  - 1. "Disturbing the natural and indigenous character of the land" means that the activity will significantly alter the inland wetlands or watercourses by reason of removal or deposition of material, clear-cutting, alteration or obstruction of water flow, or will result in the pollution of the wetland or watercourse.
- m. "Essential to the farming operation" means that the activity proposed is necessary and indispensable to sustain farming activities on an existing farm.

n. "Farming," means use of a parcel of land containing not less than five acres for the principal purpose of growing crops, raising livestock or other agricultural use. "Farm pond" means a body of water, created by dam or excavation, used principally for the watering of livestock, crop irrigation, fish production, fire protection, wildlife management, or other uses commonly associated with farming.

o. "Intermittent watercourse" means those waterways, which are characterized by non-persistent flow. For purposes of these regulations, intermittent watercourses are delineated by one or more of the following characteristics:

1. A defined permanent channel with the evidence of scour or deposits of recent alluvium or detritus.
2. The presence of standing or flowing water for duration longer than a particular storm incident. Ordinarily, the presence of water is supported by a component, however small, of groundwater outflow or infiltration.
3. The presence of, or ability to support the growth of hydrophytic vegetation.

p. "License" means the whole or any part of any permit, certificate of approval or similar form of permission which may be required of any person by the provisions of these regulations under the authority of the Agency.

q. "Marshes" are areas with soils that exhibit aquatic moisture regimes that are distinguished by the absence of trees and are dominated by soft-stemmed herbaceous plants recognized as marsh vegetation as listed in the booklet titled Inland Wetland Plants of Connecticut (May, 1973) (The Connecticut Arboretum, Connecticut College, New London, Connecticut). The water table in marshes is at or above the surface throughout the year, but seasonal fluctuations are encountered and areas of open water six inches or more in depth are common.

r. "Material" means any substance, solid or liquid, organic or inorganic, including but not limited to: soil, sediment, aggregate, land, gravel, clay, bog, peat, mud, debris, sand, refuse, or waste.

s. "Municipality" means the Town of Granby, Hartford County, Connecticut.

t. "Nurseries" means land used for propagating trees, shrubs or other plants for transplanting, sale, or for use as stock for grafting.

u. "Permit," means the whole or any part of any license, certificate of approval or similar form of permission, which may be required of any person by the provisions of these regulations under the authority of the Inland Wetlands Agency.

v. "Permittee" means the person to whom such permit has been issued.

w. "Person" means any person, firm, partnership, association, corporation, company, organization or legal entity of any kind, including municipal corporations, governmental agencies or subdivisions thereof.

x. "Pollution" means harmful thermal effect or the contamination or rendering unclean or impure of any waters of the state by reason of any waste or other materials discharged or deposited therein by any public or private sewer or otherwise so as directly or indirectly to come in contact with any waters. This includes, but is not limited to, erosion and sedimentation resulting from any filling, land clearing or excavation activity.

y. "Regulated Activity" means:

1. Any operation within or use of a wetland or watercourse, as defined in these regulations, involving removal or deposition of material;
2. Any obstruction, construction, alteration or pollution of a wetland or watercourse; and
3. Any operation within the buffer area involving any earth moving, earth filling, construction of roads or buildings, clear-cutting of trees or undergrowth, installation of septic systems, or other similar activity that may adversely affect a wetland or watercourse. Any of the above activities occurring in the buffer area must be reviewed pursuant to Section 4.4 for determination as to whether a formal application need be filed.

"Regulated Activity" does not include the permitted uses as of right and nonregulated uses as specified in Section 4 of these Regulations.

z. "Regulated area" means an aggregate area comprised of any wetland or watercourse and the buffer area as defined and determined pursuant to these regulations.

aa. "Remove" includes but shall not be limited to drain, excavate, mine, dig, dredge, suck, grub, clear-cut timber, bulldoze, dragline or blast.

bb. "Rendering unclean or impure," means any alteration of the physical, chemical or biological properties of any waters of the state, including, but not limited to, change in odor, color, turbidity or taste.

cc. "Significant activity" means any activity which may have a major effect or significant impact on the area for which an application has been filed, or an; another part of the same inland wetland or watercourse system, including, but not limited to, the following activities:

1. Any activity involving a deposition or removal of material xxxx will or may have a major effect or significant impact on the wetlands or watercourses;
2. Any activity which substantially changes the natural channel xxxx inhibit the natural dynamics of a watercourse system;
3. Any activity which substantially diminishes the natural capacity xxxx an inland wetland or watercourse to support desirable fisheries, wildlife, or xxxx biological life, prevent flooding, supply water, assimilate waste, facilitate drainage, provide recreation or open space or other functions;
4. Any activity, which causes or has the potential to cause a substnirriinl diminution of flow of a natural watercourse or groundwater levels of the regulated area;
5. Any activity, which causes or has the potential to cause pollution of a wetland o r watercourse;
6. Any activity, which has the potential to result in a decrease in the water quality of any wetland or watercourse;
7. Any activity which would result in a substantial increase in the flow rate, or velocity of flow of water through, or depth of water in, a wetland or watercourse;

8. Any activity which would result in a substantial decrease in the percolation of water into the groundwater table as the result of the construction of surfaces impervious to water absorption or the net addition of fill material within a regulated area; and
9. Any activity, which destroys or has the potential to destroy unique wetland or watercourse areas having demonstrable scientific or educational value.

dd. "Soil Scientist" means an individual duly qualified in accordance with standards set by the Office of Personnel Management (formerly the United States Civil Service Commission) or its successor. The individual shall be a member of the Soil Science Society of Southern New England with an "A" rating, indicating over four years of mapping and field experience, or as approved by the Agency.

ee. "Swamps" means poorly drained areas with soils that exhibit aquic (saturated) moisture regimes with a water table at or near the surface of the ground throughout most of the year; they contain vegetation dominated by an association of trees and/or shrubs recognized as swamp species. Typical examples of swamp species are listed in the booklet titled Inland Wetland Plants of Connecticut (May 1973) (The Connecticut Arboretum, Connecticut College, New London, Connecticut).

ff. "Submerged lands" means those lands, which are inundated by water on a seasonal or more frequent basis.

gg. "Town" means the Town of Granby, Hartford County, Connecticut.

hh. "Waste" means sewage or any substance, liquid, gaseous, solid or radioactive, which may pollute or tend to pollute any of the wetlands or watercourses of the Town.

ii. "Watercourses" means rivers, streams, brooks, waterways, lakes, ponds, marshes, swamps, bogs, and all other bodies of water, natural or artificial (ditches, canals, etc.), perennial, vernal or intermittent, public or private, which are contained within, flow through or border upon the Town or any portion thereof not regulated pursuant to sections 22a-28 through 22a-35 of the General Statutes, as may from time to time be amended. In each instance, the actual character of the area shall determine whether it is subject to regulation.

jj. "Wetlands" means land, including submerged land as defined in Section of these regulations, not regulated pursuant to Section 22a-28 through 22a-35 (Tidal Wetlands), inclusive, of the Connecticut General Statutes, which consists of any of the soil types designated as poorly drained, very poorly drained, alluvial or flood plain by the National Cooperative Soils Survey, as may be amended from time to time, of the Soil Conservation Service of the United States Department of Agriculture ("USDA"). Such areas may include filled, graded, or excavated sites which possess an aquic (saturated) soil moisture regime as defined by the USDA Cooperative Soil Survey. In each instance, the actual character of the soil shall determine whether the land in question is subject to regulation.

SECTION 3  
INVENTORY OF REGULATED AREAS

- 3.1 The map entitled "Inland Wetlands and Watercourses Map, Granby, Connecticut," delineates the general location and boundaries of inland wetlands and the general location of watercourses and is incorporated into these regulations. Copies of this map are available for inspection in the Office of the Town Clerk. In all cases, the precise location of regulated areas shall be determined by the actual character of the land, the distribution of wetland soil types, and locations of watercourses. Such determinations shall be made by field inspection and testing conducted by a qualified soil scientist where soil classifications are required, or by any qualified individuals where watercourse determinations are required. All soils classified by the National Cooperative Soils Survey as poorly drained, very poorly drained, alluvial, or floodplain shall be considered areas of regulated soil types, whether or not they are shown on the inventory map.
- a. The Agency recognizes that its wetlands map(s) has limitations and is basically a map of soils. The Agency reserves the right to determine the actual limit of its jurisdiction by field inspection, preferably by a qualified soil scientist. In addition, watercourse areas such as intermittent streams, marshes, swamps or bogs often do not appear on the map(s).
- b. All soils classified by the National Cooperative Soils Survey as poorly drained, very poorly drained, alluvial, or floodplain shall be considered areas of regulated soil types, whether or not they are shown on the inventory map.
- 3.2 Any property owner who disputes the designation of any part of his or her land as a regulated area on the Inland Wetlands and Watercourses Map may petition the Agency to change the designation. All petitions for a map change shall be submitted in writing and shall include all relevant facts and circumstances, which support the change. The petitioner shall provide proof that the designation is inapplicable. Documentation in accordance with Section 14 of these Regulations may be required of the property owner so disputing the designation of any part of his or her land.
- 3.3 The Agency and/or designated agent will monitor and maintain general surveillance of the regulated areas within the town to ensure that no unauthorized regulated activities occur.
- 3.4 The Agency or its designated agent(s) shall inventory and maintain current records of all regulated areas within the Town. The Agency may amend its map from time to time as information becomes available relative to more accurate delineation of wetlands and watercourses within the Town. Such map amendments are subject to the public hearing process outlined in Section 14 of these Regulations.



SECTION 4  
USE OF INLAND WETLANDS AND WATERCOURSES

4.1 Permitted Uses: The following operations and uses shall be permitted in inland wetlands and watercourses as of right:

- a. Grazing, farming, nurseries, gardening and harvesting of crops, and farm ponds of three (3) acres or less essential to the farming operation. The provisions of this subsection shall not be construed to include road construction or the erection of buildings not directly related to the farming operation, relocation of watercourses with continual flow, filling or reclamation of wetlands or watercourses with continual flow, clear-cutting of timber except for the expansion of agricultural crop land, or the mining of top soil, peat, sand, gravel or similar material from wetlands or watercourses for the purposes of sale;
- b. A residential home (i) for which a building permit has been issued or (ii) on a subdivision lot, provided the permit has been issued or the subdivision has been approved by a municipal planning, zoning or planning and zoning commission as of the effective date of promulgation of the municipal regulations pursuant to subsection (b) of section 22a-42a, or as of July 1, 1974, which ever is earlier, and further provided no residential home shall be permitted as of right pursuant to this subsection unless the building permit was obtained on or before July 1, 1987. The individual claiming a use of wetlands permitted as of right under this subsection shall document the validity of said right by providing a certified copy of the building permit and a site plan showing proposed and existing topographic contours, house and well locations, septic system, driveway, approval dates or other necessary information to document his or her entitlement;
- c. Boat anchorage or mooring, not to include dredging or dock construction;
- d. Uses incidental to the enjoyment or maintenance of residential property, such property defined as equal to or smaller than the largest minimum residential lot site permitted anywhere in the municipality and containing a residence. Such incidental uses shall include maintenance of existing structures and landscaping, but shall not include removal or deposition of substantial amounts of material from or into a regulated area, or diversion or alteration of a watercourse.
- e. Construction and operation, by water companies as defined by Section 16-1 of the General Statutes or by municipal water supply system as provided for in Chapter 102 of the Connecticut General Statutes, of dams, reservoirs and other facilities necessary to the impounding, storage and withdrawal of water in connection with public water supplies except as provided in sections 22a-401 and 22a- 410 of the General Statutes.

4.2 Nonregulated Uses: The following operations and uses shall be permitted as non-regulated uses in wetlands and watercourses and buffer areas provided they do not materially and adversely affect the character of a wetland or watercourse by removal or deposition of material, alteration or obstruction of water flow, or pollution of a wetland or watercourse:

- a. Conservation of soil, vegetation, water, fish, shellfish, and wildlife. Such activity may include, but is not limited to, minor work to control erosion, or to encourage proper fish, wildlife and silviculture management practices; and
- b. Outdoor recreation including the use of play and sporting areas such as golf courses, field trials, nature study, hiking, horseback riding, swimming, skin and scuba diving, camping, boating, water skiing; trapping, hunting, fishing and shell fishing and cross-country skiing where otherwise legally permitted and/or regulated.

- 4.3 All activities in regulated areas involving filling, excavation, dredging, clear-cutting grading and excavation or any other alteration or use of a regulated area not specifically permitted by this section shall require a permit from the Agency in accordance with Section 6 of these regulations.
- 4.4 Permitted or Non regulated Uses Requiring Notification: Any person proposing to carry out the following permitted or non-regulated operations or uses in a regulated area shall prior to the commencement of such operation or use, notify the Agency on its form entitled, "Request for Review of Activity" as follows:
- a. The Agency shall be provided with sufficient information to enable it to properly determine that the proposed activity or use is a permitted or non-regulated use of the regulated area.
    - 1. The "Request for Review of Activity" form is useful to any Granby property owner in proving the status of "Permitted" or "Non regulated."
  - b. The Agency or designated agent (at the Agency's request) shall rule that the proposed operation or use is a permitted or a non regulated use or operation or that a permit is required; or, in the case of a buffer area, whether the proposed operation or use has the potential to adversely affect a wetland or watercourse, thereby mandating compliance with the permit process described infra. The determination of exemption from the permit process is a responsibility that rests solely within the discretion of the Agency.
    - 1. Such ruling shall be in writing and shall be made no later than the next regularly scheduled meeting of the Agency following the meeting at which the request was received. A designated agent may make such ruling in writing on behalf of the Agency at its request.
  - c. The specific activities for which the foregoing notice and regulatory review are required are as follows:
    - 1. Road construction or the erection of buildings not directly related to a farming operation;
    - 2. The removal, deposition or stockpiling of soil or other earth materials; ponds of three acres or less not
    - 3. The construction of farm essential to the fanning operation;
    - 4. The clear-cutting of timber for the expansion of agricultural cropland on lots or parcels of land not previously used for agricultural purposes;
    - 5. The removal of up to 50% of vegetative cover (defined as 50% of trees greater than two (2) inches in diameter, and/or 50% of other vegetation within two hundred (200) feet of the East or West Branch of Salmon Brook, Salmon Brook, Dismal Brook, Mountain Brooks, Higley Brook, Dissell Brook, Moosehorn Brook or Belden Brook; and,
    - 6. Any operation within a buffer area involving any earth moving, earth filling, construction of roads or buildings, clear-cutting of trees and undergrowth, installation of septic systems, or other similar activity that may adversely affect a wetland or watercourse.

4.5 Uses Requiring a Permit: The following operations, when conducted in a wetland or watercourse, shall require a permit from the Agency in accordance with Section 6 of these Regulations:

- a. Filling
- b. Dredging
- c. Excavation, grading and paving;
- d. Grubbing;
- e. Construction;
- f. Clear-cutting;

g. Removal of vegetative cover and construction along the East or West Branch of Salmon Brook, Salmon Brook, Dismal Brook, Mountain Brooks, Higley Brook, Bissell Brook, Moosehorn Brook or Belden Brook, such that the removal and/or construction adversely affects the historic, scenic and habitat value of that watercourse. "Adverse affect" includes, but is not limited to: (1) removal of more than 50% of the trees greater than two (2) inches in diameter within two hundred (200) feet of said brooks and for removal of more than 50% of the vegetation within two hundred (200) feet of said brooks; or (2) any construction activity within two hundred (200) feet of the edge of said brooks.

4.6 Good management practices, which include any needed erosion, sedimentation and pollution controls, should be employed in any activity carried out pursuant to Section 4 to minimize erosion, sedimentation, pollution and any other harm to regulated areas.

SECTION 5  
ACTIVITIES REGULATED BY THE STATE OR FEDERAL GOVERNMENT

- 5.1 In addition to any permit or approval required by the Agency, the state or federal government may regulate activities in or affecting wetlands or watercourses subject to the following jurisdiction:
- a. Construction, encroachment or modification of any dam pursuant to 22a-401 through 22a-410 of the Connecticut General Statutes, as may from time to time be amended;
  - b. Construction or placement of any obstruction within stream channel encroachment lines pursuant to sections 22a-342 through 22a-349 of the Connecticut General Statutes, as may from time to time be amended;
  - c. Construction or placement of any structure or obstruction within the tidal, coastal, or navigable waters of the state pursuant to sections 22a-359 through of the Connecticut General Statutes, as may from time to time be amended; sections 22a-365 through time to time be amended;
  - d. Diversion of water, including withdrawal of surface or groundwater, in excess of fifty thousand (50,000) gallons per day, or any change in the instantaneous flow of any surface waters of the state where the tributary watershed area above the point of diversion is one hundred (100) acres or larger, pursuant to 22a-378 of the Connecticut General Statutes, as may from time to time be amended;
  - e. Discharges into the waters of the state pursuant to section 22a-430 of the Connecticut General Statutes, as may from time to time be amended;
  - f. Discharge of fill or dredged materials into the wetlands and watercourses of the state pursuant to section 401 of the Federal Clean Water Act, as may from time to time be amended, for activities regulated by the United States Army Corps of Engineers under section 404 of the Federal Clean Water Act.
- 5.2 The Commissioner of Environmental Protection shall have exclusive jurisdiction over regulated activities in or affecting wetlands or watercourses, undertaken by any department, agency or instrumentality of the state of Connecticut, except any local or regional board of education:
- a. After an advisory decision on such license or permit has been rendered to the Commissioner by the wetland agency of the municipality within which such wetland is located; or,
  - b. Thirty-five (35) days after receipt by the Commissioner of such application, whichever comes first.

SECTION 6  
REGULATED ACTIVITIES TO BE LICENSED

- 6.1 No person shall conduct or maintain a regulated activity without first obtaining either a Request for Review of Activity pursuant to Section 4.4 of these regulations or a permit for such activity from the Agency.
- 6.2 The agency shall regulate any operation within or use of a wetland or watercourse involving removal or deposition of material, or any obstruction, construction, alteration or pollution of such wetlands or watercourses or any other regulated activity or any operation within the buffer area, as defined in Section 2.1(e), unless such operation or use is permitted or non-regulated pursuant to section 4 of these regulations.
- 6.3 To be conducting or maintaining a regulated activity Any person found without the prior authorization of the Agency, or violating any other provision of these regulations, shall be subject to the enforcement proceedings and penalties prescribed in section 13 of these regulations and any other remedies as provided by law.

## SECTION 7 CONTENTS OF APPLICATIONS

- 7.1 Any person wishing to undertake a regulated activity, as defined in section 2.1(y), shall either file a Request for Review of Activity pursuant to Section 4.4 or shall apply for a permit on a form entitled, "Town of Granby Inland Wetlands and Watercourses Agency-Application for a Permit." The procedure for the filing of applications shall be as follows:
- a. All applications shall include an application form plus the information prescribed by Sections 7.3 and 7.4;
  - b. The Agency or designated agent and the applicant may hold a pre- application meeting to determine whether or not the proposed application needs 1 3 \* additional information or involves a significant activity. Whenever possible, the determination relative to significant activities should be made at a pre-application meeting.
  - c. In the case of a significant activity as defined in section 2.l(cc), the additional information prescribed by section 7.4 of these regulations shall be required.

Application forms may be obtained from the Building Official for the Town of Granby.

- 7.2 Applications for permits submitted to the Agency shall be accompanied by the appropriate filing fee at the time of filing as set forth in Appendix A.
- a. The appropriate fee shall be sufficient to cover the reasonable estimated costs of reviewing and acting upon an application and monitoring compliance with any permit or order, and may include, but not be limited to, the costs of publishing notices and decisions, of site inspections, of hiring expert consultants, including qualified soil scientists, environmental consultants, and engineering consultants needed by the Agency to review applications and monitor compliance.
- 7.3 All applications shall include the following information in writing or on maps or drawings:
- a. The applicant's name, home and business address and telephone numbers;
  - b. The owner's name, address and telephone number and the written consent of the owner if the applicant is not the owner of the property involved in the application;
  - c. Applicant's interest in the land;
  - d. The geographical location of the property, which is to be affected by the proposed activity and a description of the land in sufficient detail to allow identification of the inland wetlands, watercourses, and buffer areas, a computation of the area(s), in acre or square feet, volume, in cubic yards or cubic feet, of regulated area disturbance, soil type(s) and vegetation;
  - e. The purpose and a description of the proposed activity and proposed erosion and sedimentation controls;
  - f. Alternatives considered by the applicant and why the proposal to alter the regulated area set forth in the application was chosen. These alternatives be diagrammed on a site plan or drawing and submitted to the Agency as part shall of the application;
  - g. A site plan showing existing and proposed conditions in relation to the regulated areas;

h. Names and addresses of abutting property owners;

i. Certification that the applicant is familiar with all the information provided in the application and is aware of the penalties for obtaining a permit through deception or through inaccurate or misleading information;

j. Authorization for the commissioners and agents of the Agency to inspect the property, at reasonable times, both before and after a final decision has been issued;

k. Any other information the Agency deems necessary to the understanding of what the applicant is proposing;

7.3 If the proposed activity involves a significant activity, as determined by the Agency and defined in Section 2.1 (cc) of these regulations, additional information and procedures based on the nature and anticipated affects of the activity, including, but not limited to the following, shall be required:

a. A site plan for the proposed use or operation and the property which will be affected, drawn on a reproducible medium in the format of 24" x 36", 18" x 24" or 12" x 18" which shows existing and proposed conditions, regulated area boundaries, land contours at two (2) foot intervals, deep pit and percolation test sites and data there from, the approximate edges of any treed areas, boundaries of land ownership, proposed alterations and uses of regulated areas, and other pertinent features of the development, which plans may be required to be drawn according to chapters 390,391, and 396 of the Connecticut General Statutes, by a licensed surveyor, professional engineer, architect or landscape architect registered in the State of Connecticut, or by such other qualified person as recognized and approved by the Agency;

b. Measures, which lessen the impact of the proposed activity. Such measures include, but are not limited to, plans and notations on site plans of actions which avoid destruction or diminution of wetland or watercourse functions, recreational uses and natural habitats, which prevent flooding, degradation of water quality erosion and sedimentation and obstruction of drainage, or which otherwise safeguard water resources.

i. A construction sequence schedule shall be attached to the approved site plan that will clearly inform all contractors and others retained in n the process of carrying out the approved plan of the order of construction.

ii. In the event that construction activity, or ongoing activity after the completion of construction, requires greater inspection and review than can be provided by the Agency or designated agent, there shall be monitoring and/or inspections (on a schedule to be determined by the Agency) by an independent consultant of the placement and performance of all erosion and sedimentation controls by an independent party engaged by and paid for by the applicant and approved by the Agency or designated Agent.

The consultant shall send written reports on performance levels (according to schedule determined by the Agency) simultaneously to both the Agency and to the applicant.

b. A map at a scale of one (1) inch equals forty (40) feet identifying the location and limits of all regulated areas; existing and proposed conditions in relation to regulated areas; location of prominent features such as bedrock outcrops, stone walls, large trees and existing buildings and drives; abutting property owners; soil erosion and sediment control measures; any measures to detain or retain storm water runoff or recharge groundwater; any planting or habitat improvement; any' other measures proposed to mitigate the potential environmental impacts, and showing:

- i. The geographical location of the property to be affected by the proposed activity;
  - ii. Adjacent lands and regulated areas;
  - iii. Upstream, and downstream areas to be affected by the proposed activities; areas within five hundred linear (500). Downgrade regulated feet, which are off-site, and their condition;
  - v. Existing off-site structures on adjacent properties;
  - vi. Watershed or drainage area boundaries which influence the subject regulated area; and other pertinent features including, but not limited to, property lines, roads and drives, existing on-site buildings with floor elevations and their utilities, topography, soil types from the published soil survey, existing lands protected as open space or by private conservation easements, and types of vegetative cover, including tree stands, shrubs and other significant vegetation, and sources of water supply;
- d. Mapping of soil types in regulated areas consistent with<sup>1</sup> the categories established by the National Cooperative Soil Survey of the United States Soil Conservation Service. Wetlands shall be delineated in the field by a soil scientist and that delineation shall be incorporated into the site plan required by subsection (a) above. A qualified soil scientist shall sign the plan stating that the surveyed map accurately depicts the field conditions. The qualified soil scientist shall also prepare a report that includes the name of the application, the file number and project name, the location of and limits of the property investigated, the dates of the soil investigations, a brief soil description for each soil mapping unit investigated, the set of the consecutive numbers used on survey tapes to identify the wetland boundaries, and a certified statement that the wetland boundaries appearing on the site plan are true and accurate;
- e. Wetland boundaries shall be flagged and consecutively numbered with blue weatherproof ribbon attached to stakes at three (3) feet above ground no more than twenty-five (25) feet along the ground by a qualified soil scientist;
- f. All watercourses identified on the property shall be surveyed by a surveyor; the watercourses and buffer areas shall be plotted on the site licensed land plan;
- g. The ecological communities and functions of the wetlands or watercourses involved with the application and the effects of the proposed regulated activities on these communities and wetland functions shall be described, along with a discussion of the alternatives considered and the reasons for their rejection;
- h. Analyses of chemical or physical characteristics of any proposed fill material;
- j. The Agency may require the applicant to give notice of its application, by certified mail, describing the location and nature of the regulated activity(s), to all abutting property owners, or owners of property within one hundred (100) feet of said location, and up to five hundred linear (500) feet in the down gradient direction from said location.
- i. Any other specific information, which may be reasonably required by the Agency or its designated agent(s).

7.4 A portion or all of the requirements of this Section may be waived if the Agency finds that



the information is not necessary in order to decide upon the application. Upon request for such waiver, the Agency shall specify which of the 17 requirements need not be complied with.

If such waiver is granted, the Agency may at any subsequent time determine that a more complete application is necessary for a proper determination of the issues, and it will inform the applicant of the necessary additional information. In that event the applicant shall submit the additional material to the Agency according to Section 8.

7.6 The applicant shall certify whether:

- a. Any portion of the property on which the regulated activity is proposed is located within five hundred (500) feet of the boundary of an adjoining municipality;
- b. Traffic attributable to the completed project on the site will use streets within the adjoining municipality to enter or exit the site;
- c. Sewer or water drainage from the project on the site will flow through and impact the sewerage or drainage system within the adjoining municipality; or,
- d. Water run-off from the improved site will impact streets or other municipal or private property within the adjoining municipality.

7.7 Ten (10) copies of all application materials shall be submitted to comprise a complete application or as is otherwise directed, in writing, by the Agency.

7.8 Any application to extend the expiration date of a previously issued permit or amend an existing permit shall be filed with the Agency at least thirty (30) days prior to the expiration date for the permit in accordance with Subsections 8.4 through 8.9 of these regulations. Any application for amendment, renewal or extension shall be made in accordance with this Section provided

- a. The application shall state the name, current address and telephone number of the permit holder, the address or location description of the property involved, the dates of issuance and expiration of the permit, and the Agency's file number;
- b. The application shall describe any changes in facts or circumstances involved with or affecting the regulated area or the property for which the permit was issued;
- c. The application shall state the reason why the authorized activities were not initiated or completed within the time specified in the permit;
- d. The Agency may accept an untimely application to extend the permit if the authorized activity is ongoing and allow the continuation of work beyond the expiration date if, in its judgment, the permit is likely to be extended and the public interest or environment will be best served by not interrupting the activity. The application shall describe the extent of work completed at the time of filing and the schedule for completing the activities authorized in the permit;
- e. The Agency shall evaluate the application pursuant to Section 10 of these regulations and grant the application as filed, grant it with any terms or limitations, or deny it.
- f. When the application is for an extension of a permit that has already been extended once, the agency may require that the applicant comply with any or all of the provisions of Section 7.

7.9 A reporting form shall be completed during the application process, which provides the Commissioner of the Department of Environmental Protection with information necessary to properly monitor the inventory of State wetlands. The reporting form shall be part of the application and the following sections shall be completed by the applicant: name of applicant; name of the project; project description; area of wetlands, regulated areas and/or lineal feet of watercourse proposed to be altered. The Agency shall be responsible for the remaining information and any corrections on the form and for filing it in accordance with Section 22a-39-14 of the Inland Wetland and Watercourse Regulations of the Department of Environmental Protection.

## SECTION 8 SUBMISSION OF APPLICATIONS

- 8.1 The purpose of this Section is to advise potential applicants of the procedures that must be followed in submitting and filing applications required by these Regulations.
- 8.2 Prior to filing an application for official receipt, the applicant should consult with the Agency's Chairman or designated agent to ensure that the application may be deemed complete. Discussion of the application with other Town staff members can be arranged when appropriate.
- 8.3 All applications shall be submitted to the Office of the Building Official at the Granby Town Hall, or to the Chairman of the Agency, the Acting Chairman, or designated agent. An application fee shall be paid for each submission at the time of each filing. The date of receipt of an application shall be the day of the next regularly scheduled meeting of the Agency immediately following the day of submission, provided such meeting is no earlier than three (3) business days after the day of filing, or thirty-five (35) days after such filing, whichever is sooner.
- 8.4 At any time during the review period, the Agency may require the applicant to provide additional information about the regulated area or regulated activity, which is the subject of the application, or wetlands, watercourses or buffer areas affected by the regulated activity.
- 8.5 All applications shall be open for public inspection in the office of the Building Official.
- 8.5 Applications may be denied if the information required or requested is insufficient or incomplete.
- 8.6 The Agency shall, in accordance with section 22a-42b of the General Statutes, as may from time to time be amended, notify the clerk of any adjoining municipality of the pendency of any application to conduct a regulated activity when:
- a. Any portion of the property on which the regulated activity is proposed is located within five hundred (500) feet of the boundary of an adjoining municipality;
  - b. A significant portion of the traffic to the completed project on the site will use streets within the adjoining municipality to enter or exit the site
  - c. A significant portion of the sewer or water drainage from the project on the site will flow through and significantly impact the sewerage or drainage system within the adjoining municipality; or
  - d. Water run-off from the improved site will impact streets or other municipal or private property within the adjoining municipality.

Notice of the pendency of such application shall be made by the Agency by certified mail, return receipt requested, and shall be mailed within seven (7) days of the date of the receipt of the application.

- 8.7 When an application is filed to conduct or cause to be conducted a regulated activity upon an inland wetland or watercourse, any portion of which is within the watershed or a water company as defined in section 16-1 of the General Statutes, the applicant shall provide written notice of the application to the water company provided such water company has filed a map showing the boundaries of the 20 in the which the watershed and with the on land records of the municipality application is made and with the Inland Wetlands Agency of such municipality. Such notice shall be made by certified mail, return receipt requested, and shall be mailed within seven days of the date of the application.

The water company, through a representative, may appear and be heard at any hearing on the application. Documentation of such notice shall be provided to the Agency.

- 8.8 The Agency shall not exceed the required sixty-five (65) day time limit in taking action on an application pending the receipt of additional information as stated in Section 11.2 of these Regulations.

## SECTION 9 PUBLIC HEARINGS

- 9.1 A public hearing shall be held on all applications involving a significant activity. A public hearing may be held on any Request for Review of Activity filed pursuant to Section 4, or on applications, which do not involve significant activities if the Agency determines it is in the public interest. All applications, maps and documents relating thereto shall be open for public inspection. Any person may appear and be heard at any public hearing on the subject matter of the public hearing.
- 9.2 Notice of the public hearing shall be published by the Agency at least twice at intervals of not less than two (2) days, the first not more than fifteen (15) days and not fewer than ten (10) days, and the last not less than two (2) days before the date set for the hearing in a newspaper having a general circulation in each town where the affected regulated area is located.
- 9.3 The Agency may require that notice of the public hearing be mailed by the applicant to the owner(s) of record of abutting land or land within one hundred (100) feet of said location, no less than fifteen (15) days prior to the day of the hearing.
- 9.4 If the Agency deems that the proposed activity may cause adverse impact on regulated areas downstream and/or at a lower elevation, the Agency may require notice of the public hearing be mailed by the applicant to owners of record up hundred (500) linear feet in the down gradient direction of such areas.

## SECTION 10 CONSIDERATIONS FOR DECISION

The 10.1 Agency may consider the following in making its decision on an application:

- a. The application and its supporting documentation;
- b. Public comments, evidence and testimony from a public hearing or meeting;
- c. Reports from other Town of Granby agencies, Town officials and commissions, including, but not limited to, the following:
  1. Board of Selectmen
  2. Conservation Commission
  3. Farmington Valley Health District
  4. Planning and Zoning Commission
  5. Town Engineer and/or Building Official
  6. Town Development Officer
  7. Town Manager
- d. The Agency may also consider comments on any application from the Hartford County Soil and Water Conservation District, the Department of Environmental Protection, the Capitol Regional Planning Agency or other regional organizations (i.e., Capitol Regional Council of Elected Officials), agencies in adjacent municipalities which may be affected by the proposed activity, or other technical agencies or organizations which may undertake additional studies or investigations; and
- e. Non-receipt of comments from agencies, Town officials and commissions listed in subsection (c) above within the prescribed time shall neither delay nor prejudice the decision of the Agency.

### 10.2 Standards and Criteria for Decision

The Agency shall consider all relevant facts and circumstances in making its decision on any application for a permit, including but not limited to the following:

- a. The environmental impact of the proposed action, including the effects on the inland wetland's and watercourse's capacity to support fish and wildlife, to prevent flooding, to supply and protect surface and ground waters, to control sediment, to facilitate drainage, to control pollution, to support recreational activities, and to promote public health and safety:
  1. Technical reports and analyses plus additional drawings may be required to fully describe the proposed project and qualify any filling, excavation, drainage or hydraulic modifications to watercourses, or any changes in the biological and ecological communities (see Appendix B, "Supplemental Technical Information")
- b. The alternatives to the proposed action including a consideration of alternatives which might enhance environmental quality or have a less detrimental effect, and which could feasibly attain the basic objectives of the activity proposed in the application. This consideration should include, but is not limited to, the alternative of requiring actions of different nature, which would provide similar benefits with different environmental impacts, such as using a different location for the activity;

c. The relationship between the short term uses of the environment and the maintenance and enhancement of long term productivity, including consideration of the extent to which the proposed activity involves trade-offs between short term environmental gains at the expense of long term losses, or vice versa, and consideration of the extent to which the proposed action forecloses or predetermines future options;

d. Irreversible and irretrievable commitments of resources, which would be involved in the proposed activity. This requires recognition that the inland wetlands and watercourses areas of the State of Connecticut are an indispensable, irreplaceable and fragile natural resource, and that these areas may be irreversibly destroyed by deposition, filling, and removal of material, by the diversion, diminutions or obstruction of water flow including low flows, and by the erection of structures and other uses;

e. The character and degree of injury to, or interference with, safety, health, or the reasonable use of property, including abutting or downstream property, which would be harmed or threatened by the proposed activity, or the creation of conditions which may do so. This includes recognition of potential damage from erosion, turbidity, or siltation, loss of fish and wildlife and their habitat, loss of unique habitat having demonstrable natural, scientific or educational value, loss or diminution of beneficial aquatic organisms and wetland plants, the dangers of flooding and pollution, and the destruction of the economic, aesthetic, recreational and other public and private uses and values of wetlands and watercourses to the community;

f. The suitability of the activity to the area for which it is proposed. This requires a balancing of the need for the economic growth of the state and the uses of its land with the need to protect its environment and ecology.

g. Measures which would mitigate the impact of any aspect of the proposed regulated activity. Such measures include, but are not limited to, actions which would avoid adverse impacts or lessen impacts to wetlands and/or watercourses and which could be feasibly carried out by the applicant and would protect the regulated area's natural capacity to support fish and wildlife, to prevent flooding, to supply and protect surface and ground waters, to control sedimentation, to prevent erosion, to assimilate wastes, to facilitate drainage, to control pollution, to support recreational activities and open space and to promote public health and safety.

h. The proposed regulated activities which do not in any way interfere with the drainage system of the area, considering the general topography of the area, the watercourse pattern of the vicinity and the size of the drainage areas involved;

i. Previous compliance record of the applicant (or any agent or employee of the applicant, or any person with an ownership interest in the application) regarding demonstrated ability to implement any previous requirements of the Agency and to mitigate the adverse impacts to the wetlands and/or watercourses as required by the Agency; and

j. Technical reports and analyses and additional drawings to fully describe the proposed project and any filling, excavation, drainage or hydraulic modifications to watercourses (see Appendix B, "Supplemental Technical Information").

10.3 In the case of any application, which received a public hearing, a permit shall unless the Agency finds that a feasible and prudent alternative does not exist. In making this finding, the Agency shall consider the facts and circumstances set forth in Section 10 of these Regulations. This finding and the reasons therefore shall be stated in the record of the decision of the Agency.

10.4 In reaching its decision on any application after a public hearing, the Agency shall base its decision on the record of that hearing. The Agency is not precluded from seeking advice from its own experts on information already in the record of the public hearing, nor is it precluded from incorporating information known to Agency members by their own observations and familiarity with the area; however, it will do so only after providing notice to the applicant.



SECTION 11  
DECISION PROCESS AND PERMIT

- 11.1 The Agency may grant the application as filed; grant it with such terms, conditions, limitations or modifications necessary to carry out the purposes of the Act; or deny it.
- 11.2 No later than sixty-five (65) days after receipt of an application, the Agency may hold a public hearing on such application. The hearing shall be completed within forty-five (45) days of its commencement. Action shall be taken on applications within thirty-five (35) days after completion of a public hearing. In the absence of a public hearing, action shall be taken on applications within sixty-five (65) days from the date of receipt of the application. The applicant may consent to one or more extensions of the periods specified in this subsection for the holding of the hearing and for action on such application, provided the total extension of any such period shall not be for longer than the original period as specified in this subsection, or may withdraw such application. The failure of the Agency to act within any time period specified in this subsection, or any extension thereof, shall not be deemed to constitute approval of the application. An application deemed incomplete by the Agency must either be withdrawn by the applicant or denied by the Agency.
- 11.3 The Agency shall state the reasons and bases for its decision.
- 11.4 The Agency shall notify the applicant and any named parties to the proceeding of its decision within fifteen (15) days of the date of the decision by certified mail, return receipt requested, and the Agency shall cause notice of its order in the issuance or denial of the permit, to be published in a newspaper having general circulation in the town wherein the regulated area lies. In any case in which such notice is not published within such fifteen (15) day period, the applicant may provide for the publication of such notice within ten (10) days thereafter.
- 11.5 If the Agency grants a permit with terms, conditions, limitations or modifications, the applicant may attempt to modify the proposal to the Agency's satisfaction. The rejection of a modified or corrected application by the Agency shall be equivalent to the denial of an application for the purpose of appeal.
- 11.6 If the Agency denies a permit, the application shall not be resubmitted unless the proposal is modified in a fashion that substantially changes the impacts which resulted in the denial. Such submittal shall take the form of a new application together with the appropriate filing fees.
- 11.7 The duration of any permit shall not exceed two years unless otherwise specified in the permit or extended by the Agency; however, unless a permit is received by the Agency, the permit shall expire if the activity authorized therein is not initiated within one (1) year from the date all necessary Town of Granby permits for that activity are issued.
- a. Permit renewal and extension shall be at the discretion of the may be subject to the holding of an additional public hearing.
  - b. All permits shall expire upon the completion of the acts specified the therein.
- 11.8 The assignment or transfer of a permit must be approved in writing by the Agency or designated agent. Failure to request and receive such assignment or transfer shall invalidate any such permits.

11.9 If a bond or insurance is required in accordance with Section 12 of these Regulations, no permit shall be issued until such bond or insurance is provided. The Agency may require an as-built survey to A-2 standards upon completion of the activity as a condition of release of bond or insurance.

11.10 General provisions which shall apply in the issuance of all permits:

- a. The permit may be modified, suspended or revoked, if when evaluating the application, the Agency relied in whole or in part on information provided by the applicant; which subsequently proves to be false, deceptive, incomplete, or inaccurate;
- b. All permits issued by the Agency are subject to and do not derogate any present or future rights or powers of the Agency or of the Town of Granby, and convey no rights in real estate or material nor any exclusive privileges, and are further subject to any and all public and private rights and to any federal, state, and municipal laws or regulations pertinent to the property or activity; and Agency and
- c. The permittee shall take such necessary steps consistent with the terms and conditions of the permit to control storm water discharges and to prevent erosion and sedimentation and to otherwise prevent pollution of wetlands and watercourses.

SECTION 12  
BOND AND INSURANCE

- 12.1 Upon approval of the application and prior to issuance of a permit, the applicant may, at the discretion of the Agency, be required to file a bond, or some other reasonable security, with such surety, in such amount and in a form approved by the Agency.
- 12.2 The bond or surety shall be conditioned on compliance with all provisions of these Regulations and the terms, conditions and limitations established in the permit.
- 12.3 The Agency may require the applicant to certify that it has public liability insurance against liability which might result from the proposed operation or use of regulated area covering any and all damage which might occur within two (2) years of completion of such operations, in an amount satisfactory to the Agency and commensurate with the regulated activity.
- 12.3 Prior to the release of a bond or insurance, the Agency may require the submission of an as-built survey that conforms to A-2 standards as required in Section 11.10.

## SECTION 13 ENFORCEMENT

13.1 The Agency may appoint an agent or agents to act on its behalf with the authority to inspect public and private property, except entrance into a private house or building, and issue notices of violation or Cease and Desist orders and carry out other actions or investigations necessary for the enforcement of these regulations.

13.2 As a condition of a permit, the following may be required:

- a. The Agency or designated agent may make inspections, at reasonable hours, of all regulated activities for which permits have been issued under these Regulations;
- b. All applicants shall flag a line in the field with a continuous brightly colored weatherproof ribbon, prior to any construction, that marks a limit of a construction/demolition line as set by the Agency and beyond which no activity shall be conducted for any purposes associated with the permit without notification to and approval of the Agency or its agent(s). Posted signs and/or fencing to the effect of this paragraph may be required;
- c. Completed "as built" plans that show the actual extent of construction, disruption, filling, excavating, etc., in the regulated area shall be submitted within three months of completion of the regulated activity, or as otherwise deemed necessary by the Agency or designated agent; or
- d. A Start Card, received by the Building Official from the applicant at least two (2) Town working days prior to actual construction startup, used to initiate the first inspection to determine adequacy of erosion controls. A Finish Card received by the Building Official from the applicant for a final inspection to determine that project is complete according to a permit. (See Appendix C, Form D).

13.3 If the Agency or its designated agents) finds that any person is conducting or maintaining any activity, facility or condition, which is in violation of the Act or these Regulations, it may:

- a. Issue a written order by personal delivery and/or by certified mail, return receipt requested, to such person conducting such activity or maintaining such facility or conditions to immediately cease such activity or to correct such facility or condition. Within ten (10) calendar days of the issuance of such order, the Agency shall hold a hearing to provide the person an opportunity to be heard and show cause why the order should not remain in effect. The Agency shall consider the facts presented at the hearing and within ten (10) days of the completion of the hearing notify the person by certified mail, return receipt requested, that:
  1. The original order remains in effect;
  2. That a revised order is in effect; or
  3. That the order has been withdrawn.

The Agency shall publish notice of its decision in a newspaper having general circulation in Granby. The original order shall be effective upon issuance and shall remain in effect until the Agency affirms, revises or withdraws the order. The issuance of an order pursuant to this section shall not delay or bar an action pursuant to Section 22a-44b of the General Statutes, as it may from time to time be amended.

- b. Suspend or revoke a permit if it finds that the permittee has not - complied with the terms, conditions or limitations set forth in the permit or has exceeded the scope of the work as set forth in the application including application plans. Prior to revoking or suspending any permit, the Agency shall:

1. Issue written notice to the permittee personally, and/or by certified mail, return receipt requested, setting forth the facts or conduct, which warrants the intended action;
  2. Schedule a public hearing within fifteen (15) days of the notice described in subsection 1 above at which the permittee shall be given an opportunity to show that the activities are in compliance with the permit and any and all requirements for retention of the permit; and,
  3. Notify the permittee of the Agency's decision to suspend, revoke, or continue a permit by certified mail, return receipt requested, within fifteen (15) days of the date of its decision and the Agency shall cause notice of its order to be published in a newspaper having a general circulation in the Town of Granby within fifteen (15) days of the date of the decision.
- c. Issue a notice of violation personally and/or by certified mail, return receipt requested, to such person conducting such activity or maintaining such facility or condition, stating the nature of the violation, the jurisdiction of the Agency, and prescribing the necessary action and steps to correct the violation including, without limitation, halting work in wetlands, watercourses or buffer areas. The Agency may request that the individual appear at the next regularly scheduled meeting of the Agency to discuss the unauthorized activity, and/or provide a written reply to the notice or file a proper application for the necessary permit. Failure to carry out the action(s) directed in a notice of violation may result in issuance of the order provided in Section 13.3(a) of these Regulations or other enforcement proceedings as provided by law.

## SECTION 14 AMENDMENTS

- 14.1 These Regulations and/or the Inland Wetlands and Watercourses Map of the Town of Granby may be amended, from time to time, by the Agency in accordance with changes in the Connecticut General Statutes or regulations of the Connecticut Department of Environmental Protection, or as new information becomes available regarding soils, inland wetlands, watercourses and buffer keas or the regulation thereof.
- 14.2 An application filed with the Agency which is in conformance with the applicable Inland Wetlands Regulations as of the date of the decision of such agency with respect to such application shall not be required thereafter to comply with any change in Inland Wetlands Regulations, including changes to setbacks and buffers, taking effect on or after the date of such decision and any appeal from the decision of such agency with respect to such application shall not be dismissed by the Superior Court on the grounds that such a change has taken effect on or after the date of such decision. The provisions of this subsection shall-not be construed to apply:
- a. To the establishment, amendment or change of boundaries of inland wetlands or watercourses; or
  - b. To any change in regulations necessary to make such regulations consistent with the provisions of Chapter 440 of the General Statutes as of the date of such decision.
- 14.3 These Regulations and/or the Town of Granby Inland Wetlands and Watercourses Map may be amended in the manner specified in Section 22a-42a of the Connecticut General Statutes, as may from time to time be amended. The Agency shall provide the Commissioner of Environmental Protection with a copy of the proposed notice of the public hearing and a copy of any proposed regulations or amendments thereto, except map amendments pursuant to section 14.3 of this section, at least thirty-five (35) days before the public hearing on their adoption. Petition forms and fee schedules are attached to these regulations in the Appendices hereto.
- 14.4 Petitions requesting changes or amendments to the "Inland Wetlands and Watercourses Map, Granby, Connecticut," shall contain at least the following information:
- a. The applicant's name, address and telephone number;
  - b. The owner's name (if not the applicant), address and telephone number, and a written consent to the proposed action set forth in the application;
  - c. Applicant's interest in the land;
  - d. The geographic location of the property involved in the petition including a description of the land in sufficient detail to allow identification of the disputed wetland or watercourse;
  - e. The reasons for the requested action;
  - f. The names and addresses of adjacent property owners; and,
  - g. A map of the property, conforming to the following requirements:
- i. Mapping of soil types consistent with the categories established by the National Cooperative Soil Survey of the United States Soil Conservation Service. Wetlands and watercourses shall be delineated in the field by a soil scientist and that delineation shall be incorporated into the map. A qualified soil scientist shall sign the map under a certification stating that the surveyed map accurately depicts the field conditions;

ii. Wetland boundaries shall be flagged with blue weatherproof ribbon attached to stakes at three (3) feet above ground not more than every twenty- five (25) feet along the ground by a qualified soil scientist and shall be numbered consecutively;

iii. The soil scientist shall prepare a report that includes the application, file number and project name, the location of and limits of the property investigated, the dates of the soil investigations, a brief soil description for each soil mapping unit investigated, the set of the consecutive numbers used on survey tapes to identify the wetland boundaries, and a certified statement that the wetland boundaries appearing on the site plan are true and accurate;

iv. The map shall be on a scale of one (1) inch is equal to forty (40) feet, and shall show land contour lines at two (2) foot intervals.

14.5 The petitioner shall present documentation by a qualified soil scientist that the land in question does not have a soil type classified by the National Cooperative soils survey as poorly drained, very poorly drained, alluvial, or flood 'plain. Such documentation shall include a map of the land in question signed by a qualified soil scientist on which the flag locations defining the boundaries of the regulated soil types are depicted, per section 14.4 supra.

14.6 Watercourses shall be delineated by a qualified soil scientist, geologist, ecologist or other qualified individual for review by the Agency in making a determination.

14.7 The center line of intermittent streams and the boundaries of swamps, bogs and marshes shall be flagged by a qualified soil scientist, geologist, ecologist or other qualified individual for review by the Agency in making a determination.

14.8 A public hearing shall be held on petitions to amend the Inland Wetland and Watercourses Map. Notice of the hearing shall be published in a newspaper having substantial circulation in the Town of Granby at least twice at intervals of not less than two (2) days, the first not more than twenty-five (25) days nor less than fifteen (15) days, and the last not less than two (2) days, before such hearing. A copy of such boundary change shall be filed in the Office of the Town Clerk for public proposed inspection at least ten (10) days before such hearing.

14.9 Within ninety (90) days after receipt of a petition for a change in the mapped boundaries of any wetland and/or watercourse, the Agency shall hold a public hearing to consider the petition. The petitioner may consent to one or more extensions of the periods specified in this subsection for the holding of the hearing and for action on such petition, provided the total extension of any such period shall not be for longer than the original period as specified in this subsection, or may withdraw such petition. the failure of the Agency to act within any time period specified in this subsection, or any extensions thereof, shall not be deemed to constitute approval of the petition.

14.10 The Agency shall act upon changes requested in such petition within sixty (60) days after the close of the hearing.

14.11 The Agency shall make its decision and state, in writing, the reason why the change in the Inland Wetland and Watercourses Map was made.

14.12 If the wetland boundary change is granted, it shall be the responsibility of the petitioner to record the map described in section 14.4(g) above in the Granby Land Records .

SECTION 15  
APPEALS

- 15.1 Appeals of actions of the Agency shall be made in accordance with the provisions of Section 22a-43 of the General Statutes, as may from time to time be amended.
- 15.2 Notice of such appeal shall be served upon the Agency and the Commissioner of Environmental Protection.



SECTION 16  
CONFLICT

- 16.1 If there is a conflict between the provisions of these Regulations, the provision which imposes the most stringent standards for the use of wetlands, watercourses and buffer areas shall govern.

SECTION 17  
OTHER PERMITS

- 17.1 Nothing in these Regulations shall obviate the requirements for the applicant to obtain any other assents, permits or licenses required by law or regulation by the Town of Granby, State of Connecticut and the Government of the United States, including any approval required by the Connecticut Department of Environmental Protection and the United States Army Corps of Engineers. Obtaining such assents, permits or licenses is the sole responsibility of the applicant.

SECTION 18  
VALIDITY AND SEVERABILITY

- 18.1 Validity: If any section, subsection, paragraph, sentence, clause, phrase or provision of these Regulations shall for any reason be held to be invalid or unconstitutional by a decree or decision of any court of competent jurisdiction, such decree or decision shall not affect or impair the validity of any other section or remaining portion of these Regulations.
- 18.2 Severability: If any section, subsection, paragraph, sentence, clause, phrase or provision of these Regulations shall for any reason be held to be invalid or unconstitutional, as applied to a particular application or part of an application, by decree or decision of a court of competent jurisdiction, such decree or decision shall be limited to the particular application or part of an application and the general applicability of these Regulations to other applications or part of applications shall not be affected.

SECTION 19  
REPEAL

- 19.1 The Town of Granby created as an ordinance on the 7th day of January, 1974, the Inland Wetlands and Watercourses Agency of the Town of Granby, Connecticut. "Inland Wetlands and Watercourses Regulations of the Town of Granby, Connecticut," made effective by the Agency on July 8, 1974, revised on October 23, 1985, are repealed coincident with the effective date of these Regulations, provided, however, that the official map shall not be repealed.
- 19.2 The repeal of the above regulations and all amendments and corrections thereto shall not affect or impair any act done, offense committed or right accruing, accrued or acquired, or any liability, penalty, forfeiture or punishment incurred, prior to the time such repeal took effect, but the same may be enjoyed, asserted, enforced, prosecuted or inflicted as fully and to the same extent as if such repeal had not been effected.

SECTION 20  
ADOPTION

- 20.1 These regulations, and any amendments or changes hereto, shall be in full force and effect from the date established by the Inland Wetlands and Watercourses Agency of the Town of Granby, Connecticut, in accordance with the General Statutes of the State of Connecticut.

## APPENDIX A FEE SCHEDULE

1. Fees are set for all Agency applications according to the degree of severity of adverse impact and/or complexity of site development plans.

- a. For uses permitted as of right and non-regulated uses pursuant to Section 4 of the Regulations.

FORM: Request for Review of Activity without hearing.

FEE: n/a

- b. For uses permitted as of right and non-regulated uses pursuant to Section 4 of the Regulations.

FORM: Request for Review of Activity with a hearing

FEE \$135.00

- c. For regulated activities, which are determined not to be significant. Information may be required pursuant to Section 7.3 of the Regulations.

### APPLICATION FORMS:

- 1. Application for Permit
- 2. Application for Extension of or Amendment to a Permit

FEE: \$35.00

- c. For regulated activities, which are determined to be significant. Information may be required pursuant to Section 7.4 of these Regulations.

### APPLICATION FORMS:

- 1. Application for Permit
- 2. Application for Extension of or Amendment to a Permit

FEE \$135.00

In addition, a surcharge (not to exceed a maximum of \$225.00) may be assessed at the rate of \$15.00 per 1,000 square feet of proposed affected regulated area of disturbance.

2. Fees for monitoring/inspecting a site by the Agency and/or its designated agent(s) are additional to application fees and may be established at the time of the granting of the permit as follows:

- a. \$200.00 for an anticipated need of a high level of inspection (9+ inspections required during the course of the regulated activity);
- b. \$75.00 for an anticipated need of a medium level of inspection (4-8 inspections required during the course of the regulated activity); and,
- c. No charge for an anticipated need of a low level of inspection (1-2 inspections required during the course of the regulated activity).

3. As a condition of any permit, the agency may require that the applicant engage and pay for an independent consultant to report to the agency the results of project monitoring and/or inspections. The consultant shall monitor and/or inspect on a schedule determined by the agency.

a. The consultant shall send written reports on performance on a schedule determined by the Agency simultaneously to both the Agency and to the Applicant.

4. The fee for the filing of a petition for a wetland boundary change shall be \$135.00.

APPENDIX B  
SUPPLEMENTAL TECHNICAL INFORMATION  
ADDITIONAL INFORMATION MAY BE REQUIRED AS INDICATED BELOW

Geophysical Data

a. Material to be deposited and/or excavated:

1. Area
2. Volume
3. Physical Composition (texture, components) of material to be deposited.
4. Chemical composition of all toxic materials, whether such materials are enclosed in containers or deposited openly.
5. Potential chemical reactions of deposited materials yielding toxic products or concentrations of product.
6. Final heights of filled area above seasonal high water table.
7. Texture and composition of soil left after excavation.
8. Slope of excavation.
9. Depth of water table or water level if inundated after excavation.

2. Hydrological Data:

- a. Open Water characteristics.
  1. Size of ponds or lakes.
  2. Maximum depth and, if possible, volume of water.
- b. Stream characteristics:
  1. Intermittent or permanent
- c. Known flood levels to be indicated on map.
- d. Discharges, if any:
  1. Type
  2. Frequency and volume
  3. Chemical Composition
- e. Creation of new water bodies
- f. Percent of regulated area to be covered with impermeable surface

3. Ecological and Biological Data:

- a. Trees
- b. Shrubs
- c. Grasses, forbes, etc.
- d. Aquatics
- e. Pasture areas
- f. Cultivated areas
- g. Wildlife and habitat



## APPENDIX C APPLICATIONS

All applications should include the requirements specified in Section 7 of these regulations.

Form A	Request for Review or Activity
Form B	Application for Permit
Form C	Application for Extension of or Amendment to a Permit
Form D	Start Card and Finish Card
Form E	Statewide Inland Wetland Activity Reporting Form